

<div>CITY OF SAN JOSÉ, CALIFORNIA Department of Planning, Building and Code Enforcement 801 North First Street, Room 400 San José, California 95110-1795</div> <div>STAFF REPORT</div>	Hearing Date/Agenda Number P.C. 9/24/03 Item: 4.c.	
	File Number PDC 03-022	
	Application Type Planned Development Rezoning	
	Council District 3	SNI Area Spartan Keyes
	Planning Area Central	
	Assessor's Parcel Number(s) 472-18-051	
PROJECT DESCRIPTION		
Completed by: John Davidson		
Location: Southeast corner of E. Virginia and S. Fifth Streets		
Gross Acreage: 3.9 Net Acreage: 3.7 Net Density: 46 DU/AC		
Existing Zoning: LI Light Industrial Existing Use: self-storage warehouse		
Proposed Zoning: A(PD) Planned Development Proposed Use: up to 170 single-family attached dwelling units with two levels of underground parking		
GENERAL PLAN		
Completed by: JED		
Land Use/Transportation Diagram Designation Residential Support for the Core (25+ DU/AC)		Project Conformance: [X] Yes [] No [x] See Analysis and Recommendations
SURROUNDING LAND USES AND ZONING		
Completed by: JED		
North:	Interstate 280 freeway exit, Single-family residences	R-M Multi-family Residence
East:	Warehouse, Single-family residences	LI Light Industrial, R-2 Residence
South:	Apartments	A(PD) Planned Development
West:	Industrial Uses (Dole Building)	LI Light Industrial
ENVIRONMENTAL STATUS		
Completed by: JED		
<input type="checkbox"/> Environmental Impact Report certified <input checked="" type="checkbox"/> Negative Declaration circulated on September 4, 2003 <input type="checkbox"/> Negative Declaration adopted on		<input type="checkbox"/> Exempt <input type="checkbox"/> Environmental Review Incomplete
FILE HISTORY		
Completed by: JED		
Annexation Title: Original City		Date: March 27, 1850
PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION		
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approval with Conditions <input type="checkbox"/> Denial	Date: _____	Approved by: _____ <input type="checkbox"/> Action <input type="checkbox"/> Recommendation
APPLICANT/OWNER		
US Development Partners Attn: John Mogannam 50 W. San Fernando Street, Suite 320 San Jose, CA 95113		

Department of Public Works

See attached memos

Other Departments and Agencies

See attached memos from Fire Department, Police Department, VTA, and Environmental Services Department

GENERAL CORRESPONDENCE

Letter from Peter Eakland and response from the Department of Public Works discussed in the analysis section.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant is proposing a Planned Development Rezoning to allow up to 170 single-family attached units with associated underground parking on a 3.9 gross acre site at the southeast corner of E. Virginia and S. Fifth Streets. The site is located within the Spartan Keyes Strong Neighborhood Initiative Area, and within the study area of the draft Martha Gardens Specific Plan.

A self-storage facility is located on the subject site, which was originally used as a warehouse for the Dole Company. The S. Seventh Street exit for Highway 280, along with a pocket of single-family residences are located to the north across E. Virginia Street. A number of single-family residences, along with a warehouse, are located to the east across S. Sixth Street. A large apartment complex is located to the south across Martha Street. Industrial uses are located in the Dole building, to the west across S. Fifth Street.

Project Description. The project consists of 152 three-bedroom and 18 two-bedroom townhouses. The vast majority of the units are three-story, with two-story units proposed along the S. Sixth Street frontage, across from existing single family. The units are built on top of a podium parking structure. The dwelling unit density proposed, 46 dwelling units per acre, is approximately twice the density of a standard townhouse project, and is comparable to a three-story podium apartment complex.

Every unit has a private garage inside the podium with at least one space. Residents will be able to drive their car into their garage, and walk up an interior stair to their residence. Guest parking and additional resident parking are located on a second level of parking in an open configuration. A total of 427 parking spaces are provided, in conformance with Zoning Ordinance Requirements.

The townhouse units are typically three stories and 37 feet in height, except for the units along S. Sixth Street, which are proposed at two stories and 30 feet in height. Units range in area from approximately 1,100 to 1,800 square feet in area. Each unit has a small private yard, which range in size from 130 to 260 square feet in area, depending on the width of the unit.

Units are differentiated along the different project frontages, responding to the varied character of the surrounding properties. The units vary from wider, lower units along S. Sixth Street that have single-family styling cues, to more industrial buildings along S. Fifth Street. All of the perimeter units have

porches that directly access the street. The front doors of interior units can be accessed by pedestrian entrances at the perimeter of the site and by a network of pathways through the development.

ENVIRONMENTAL REVIEW

An Initial Study was prepared for this project and a Negative Declaration was circulated by the Director of Planning on September 4, 2003. Noise is the major environmental issue. The Initial Study included a noise report that addressed impacts to the proposed project from noise from Highway 280. Mitigation measures identified in that report have been incorporated into the project.

Noise Impacts. The City of San Jose Noise Element in the General Plan utilizes the Day-Night Level (DNL) 24-hour noise descriptor to define community noise impacts, and specifies that exterior noise exposures at residential areas not exceed 60 dB DNL when the noise source is transportation related. In addition, interior noise exposures are not to exceed 45 dB DNL. The Noise Element also states that residential development in close proximity to major thoroughfares, in the Downtown Core Area, along railroads and in the vicinity of San Jose International Airport have noise exposures that may not be able to meet the noise standards in the time frame of the General Plan. For these cases, staff has supported 65 dB DNL as the near-term exterior noise standard.

The noise report found the existing noise environment is due primarily to vehicular traffic on Interstate 280. The analysis found noise exposure excesses up to 71 dB DNL occur at the edges of the site and mitigation measures will be required to reduce interior noise levels below 45 dB DNL. Exterior spaces will be blocked from freeway noise by the perimeter townhouses, and the resulting exterior noise levels in recreation areas will be at or below 61 dBA DNL, which is acceptable given the urban nature of the project.

The project proposes thick sound-rated windows and mechanical ventilation to provide the required 45 dB DNL interior living environment. Units within 650 feet of the southern edge of Interstate 280 will have windows with sound transmission class (STC) ratings of between 31 and 33 to allow the interior noise standards to be met within residences. In addition, all townhouses on the Fifth, Sixth, and Virginia Street frontages are required to have mechanical ventilation. By incorporating the mitigation measures suggested in the noise report, the project will be able to achieve exterior noise levels of 65 dB DNL across the site, including in private open spaces, and the required interior noise levels of 45 dB DNL.

Hazardous Materials. The proposed site is currently occupied by a non-historic warehouse built in the 1950s for the Dole Corporation. The building to be demolished was built in the mid-1950s and is likely to contain lead-based paint. Demolition of this structure could expose construction workers or other persons in the vicinity to harmful levels of lead, which could be a significant health impact. The Initial Study calls for a survey for lead based paint of painted surfaces and soil around the building prior to demolition. Pursuant to state law, any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

Traffic Impacts. The Initial Study examined traffic impacts from the project, and found that the existing signalized intersections will conform to the City's Level of Service (LoS) policy in the project condition. Therefore, the project will not have significant environmental impacts as defined by the City's implementation of CEQA. However, the project will have operational impacts on the flow of traffic in the neighborhood, which are discussed in the analysis section of this report.

GENERAL PLAN CONFORMANCE

The proposal, at a net density of 46 DU/AC, conforms to the General Plan Land Use Designation of Residential Support for the Core (25+ DU/AC). The Residential Support for the Core designation has a minimum density requirement of 25 dwelling units per acre and no maximum density. The designation is intended to expand the potential for residential development in close proximity to central area jobs, and to create new consumer markets in the downtown area.

The project site is located within the Spartan Keyes Strong Neighborhoods Area. The Spartan Keyes Strong Neighborhoods Improvement Plan indicates that one of the goals of the plan is to support neighborhood scale residential infill development. The proposed development is scaled to the neighborhood through the use of two-story units along the Sixth Street frontage, and through the use of porches and street entries along the perimeter of the project.

The project is also located within the study area of the draft Martha Gardens Specific Plan. The draft specific plan calls for infill development at high densities that establishes a strong sense of neighborhood. The project is consistent with the proposed High Density Residential (40-70) DU/AC designation for the site, and establishes a strong sense of neighborhood by maintaining a human scale and facing outwards towards surrounding properties.

ANALYSIS

The primary project issues are compatibility with adjacent uses, traffic flow around the site, and conformance with the Parkland Dedication Ordinance.

Compatibility with adjacent uses. The proposed project covers an entire block, and is surrounded by widely varying buildings and uses. The project attempts to respond to these varying conditions through the project design. Along S. Sixth Street, across from existing one-and-a-half story single-family residences, buildings will be an average of 30' and two stories in height. Along Sixth Street, the setback from the property line to the edge of the podium is approximately 13 feet, which is enough room for a front porch, steps down from the first level to street level, and a small front yard. The units along the Sixth Street frontage will be 26 feet in width, which is similar to the 30 to 35-foot widths of traditional single-family residences in the Spartan Keyes neighborhood. Detailing of these units will be reflective of the single-family character of that block of S. Sixth Street, and will be finalized through the Planned Development Permit process.

Along S. Fifth Street, the podium will also be set back to allow for steps from the unit porches down to the street. However, the units will be three stories and 37 feet in height, in response to the height of the Dole building across the street. Individual units will range in width from 13 feet to 18 feet. Units along this frontage will be significantly boxier and more industrial in character, in response to the older industrial building across the Street.

Units along Virginia and Martha Streets will be set back 5 feet from the property line, with similar building heights and unit widths to the Fifth Street frontage. Units will be a mix of styles along these two frontages.

By taking these varied approaches to each frontage, the project has achieved compatibility with the surrounding uses.

Traffic flow around the site. Because this is an industrial area that is in transition to residential use, and due to the project's proximity to Interstate 280, traffic flow around the site is a significant issue.

Driveway entrances. Two driveway entrances to the project are proposed along S. Fifth Street. During the review of the project, the Department of Public Works raised concerns about the proposed location of the driveways. Their concern was that the existing uses along the west side of S. Fifth Street, which include industrial uses served by large trucks would present a conflict with the proposed driveways. The trucks park perpendicular to the Fifth Street industrial building in order to load and unload. However, perpendicular parking is prohibited along Fifth Street, and with Police enforcement, should cease and not present a traffic conflict with the project.

Signalization of the I-280 off-ramp. As a part of the traffic study for the proposed development, the traffic consultant prepared a signal warrant analysis for two unsignalized intersections near the property: the intersection of Virginia, Sixth, and the Interstate 280 off-ramp, and the intersection of Seventh and Martha Streets. Signal warrant studies analyze the need for new traffic lights at unsignalized intersections by comparing background conditions with project conditions. At the Sixth/Virginia intersection, a traffic signal is not warranted in the background condition, but is warranted in the project condition. The Department of Public Works has included signalization of the Sixth/Virginia intersection as a project condition. Signalizing the Sixth/Virginia intersection is contingent on approval from Caltrans; in the event that Caltrans does not approve signalization, then the Department of Public Works is requesting that the developer pay a partial share of the cost of signalizing Seventh/Martha Streets. Signalization of the Seventh/Martha intersection is warranted in both the background and project conditions.

Two-way traffic along S. Sixth Street. Traffic along S. Sixth Street is currently one-way in the southbound direction. If the Interstate 280 off-ramp were signalized, S. Sixth Street between Virginia and Martha Streets would be converted to two-way traffic, representing a benefit to the neighborhood and the project. The Department of Public Works has included conversion of Sixth Street to two-way traffic as a project condition in their traffic memo, should Caltrans agree to signalization of the off-ramp. Conversion of Sixth Street to two-way traffic would reduce the need for residents to travel along Martha to Seventh Street to get on Interstate 280. In the event that the 280 off-ramp were not signalized, traffic would remain one-way along Sixth Street.

Two-way traffic along E. Virginia Street between Sixth and Seventh. One of the neighborhood concerns regarding traffic is the flow of traffic on E. Virginia Street between S. Sixth and S. Seventh Streets. Presently, traffic along E. Virginia Street is one-way towards S. Seventh Street to the east. One resident, Peter Eakland, has expressed concerns that the one-way condition along Virginia Street will force project residents to travel down Seventh to Martha Street to access the site. He has suggested to the Department of Public Works that that segment of Virginia Street be converted to two-way traffic. The Department of Public Works has not included conversion Virginia Street to two-way traffic as a project condition due to queuing concerns from traffic exiting from Interstate 280 and waiting at the Seventh/Virginia intersection.

Parks Dedication Fees. The proposed project is not being required to dedicate land for public open space as a part of the project. Instead, per the Parkland Dedication Ordinance, the developer will be required to make an in-lieu payment for the service impacts from 170 new residential units. The in-lieu payment will be used for acquisition, development, and/or improvement of parkland within Council District 3.

CONCLUSION

The project proposes 170 units on 3.7 net acres, for a density of 46 DU/AC, which is in line with the

densities anticipated under the site's General Plan designation of Residential Support for the Core (25+ DU/AC).

Staff is recommending approval of the project, with conditions identified in the Mitigated Negative Declaration and in the Department of Public Works traffic memo, to insure that the project will have less than significant environmental impacts and will be compatible with the surrounding neighborhood.

COMMUNITY OUTREACH

A public hearing notice for the project was published in a local newspaper and mailed to all property owners and tenants within 1,000 feet of the subject site. A community meeting, with staff present, was held May 19, 2003. The primary topics of discussion were traffic from the project site and the location of the proposed project entrances. Neighborhood residents expressed concern about the incremental increase of traffic in the neighborhood, especially with regard to traffic along E. Virginia Street, and at the intersections of S. Seventh and E. Virginia, and Martha Streets. Neighbors also expressed concerns about relocating the proposed project driveways from S. Fifth to S. Sixth Streets.

RECOMMENDATION

Planning staff recommends the Planning Commission forward a recommendation of approval and the City Council approve the project for the following reasons: ‘

1. The proposed rezoning conforms to the subject site's General Plan Land Use Diagram Designation of Residential Support for the Core (25+ DU/AC).
2. The project proposes a design that activates the Fifth, Sixth, Virginia, and Martha Street frontages by providing porches and stoops with direct access to the street.
3. The project relates appropriately to surrounding development in terms of height, setbacks, and detailing.
4. The project proposes an innovative solution to the problem of providing dense infill housing, by creating units that have private garages and separate entries at a density of 46 DU/AC, almost six times as dense as traditional single-family developments.
5. The project is consistent with the goals of the Spartan Keyes Strong Neighborhoods Improvement Plan.
6. The project is consistent with the draft Martha Gardens Specific Plan.

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